

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	7
NO:	3

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 5, line 33, reset in roman "(4) The".
- 2 Page 5, line 33, after "The" insert "**procedure for opening the bids,**
- 3 **including the date,**".
- 4 Page 5, line 33, delete "time" and insert "time,".
- 5 Page 5, line 33, reset in roman "and place for opening the bids.".
- 6 Page 5, line 34, delete "(5) (4)" and insert "(5)".
- 7 Page 5, line 38, delete "(6) (5)" and insert "(6)".
- 8 Page 5, line 41, delete "(6)" and insert "(7)".
- 9 Page 6, between lines 3 and 4, begin a new paragraph and insert:
- 10 "SECTION 5. IC 5-22-7-6 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **(a) An employee of**
- 12 the purchasing agency shall open bids ~~publicly~~ in the presence of one
- 13 (1) or more ~~witnesses at the time and place designated~~ **other employees**
- 14 **of the purchasing agency according to the procedure stated** in the
- 15 invitation for bids **as required by section 2(b)(4) of this chapter.**
- 16 **(b) Individuals other than employees of the purchasing agency**

1 **may not be present at an opening of bids unless the bids are opened**
 2 **publicly."**

3 Page 6, between lines 11 and 12, begin a new paragraph and insert:

4 "SECTION 7. IC 5-22-7-9 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The purchasing
 6 agency shall ~~maintain the following information:~~

7 ~~(1) The name of each bidder.~~

8 ~~(2) The amount of each bid.~~

9 ~~(3) Other information required by this article and rules adopted~~
 10 ~~under this article.~~

11 **prepare a bid register.**

12 **(b) The bid register must contain the following:**

13 **(1) A copy of all documents that are included as part of the**
 14 **invitation for bids.**

15 **(2) A list of all persons to whom copies of the invitation for**
 16 **bids were given.**

17 **(3) A list of all bids received. The list of bids received must**
 18 **include the following information:**

19 **(A) The name and address of each bidder.**

20 **(B) The dollar amount of each bid.**

21 **(C) The name of the successful bidder and the dollar**
 22 **amount of that bidder's bid.**

23 **(4) The basis on which the award was made.**

24 **(5) Documentation of the purchasing agency's negotiating**
 25 **process with bidders. The documentation must include the**
 26 **following:**

27 **(A) A log of the date and times of each meeting with a**
 28 **bidder. The log must include the identity of the bidder.**

29 **(B) A description of the nature of all communications with**
 30 **each bidder.**

31 **(C) Subject to subdivision (6), a copy of all written**
 32 **communications, including electronic communications,**
 33 **with each bidder.**

34 **(6) The entire contents of the contract file except for**
 35 **proprietary information included with a bid, such as trade**
 36 **secrets, manufacturing processes, and financial information**
 37 **that was not required to be made available for public**
 38 **inspection by the terms of the invitation for bids.**

1 ~~(b)~~ (c) The ~~information described in subsection (a)~~ **bid register** is
 2 subject to public inspection after each contract award."

3 Page 8, between lines 28 and 29, begin a new paragraph and insert:

4 "SECTION 14. IC 5-22-14-3, AS AMENDED BY P.L.4-2005,
 5 SECTION 31, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A governmental body may
 7 adopt rules to implement this chapter. The Indiana department of
 8 administration shall adopt rules under IC 4-22-2 to implement this
 9 chapter.

10 (b) The rules adopted by a governmental body must establish criteria
 11 for determining qualifications as a small business. In establishing
 12 criteria, the rules may use any standards established for determination
 13 of small business status that are used by an agency of the federal
 14 government. A governmental body may also receive assistance from the
 15 Indiana economic development corporation to establish criteria or to
 16 implement the rules.

17 (c) The rules adopted by a governmental body may consider the
 18 number of employees employed by an offeror and the dollar volume of
 19 the offeror's business. The rules must provide that when computing the
 20 size of an offeror, the annual sales and receipts of the offeror and all of
 21 its affiliates must be included.

22 (d) The rules adopted by a governmental body must include the
 23 following criteria:

24 (1) A wholesale business is not a small business if its annual sales
 25 for its most recently completed fiscal year exceed four million
 26 dollars (\$4,000,000).

27 (2) A construction business is not a small business if its average
 28 annual receipts for the preceding three (3) fiscal years exceed four
 29 million dollars (\$4,000,000).

30 (3) A retail business or business selling services is not a small
 31 business if its annual sales and receipts exceed five hundred
 32 thousand dollars (\$500,000).

33 (4) A manufacturing business is not a small business if it employs
 34 more than one hundred (100) persons.

35 **(5) A business in any of the following sectors is not a small**
 36 **business if it employs more than one hundred (100) persons or**
 37 **if its annual sales exceed five million dollars (\$5,000,000):**

38 **(A) Information technology.**

1 **(B) Life sciences.**

2 **(C) Transportation.**

3 **(D) Logistics."**

4 Renumber all SECTIONS consecutively.

(Reference is to SB 359 as printed January 27, 2006.)

and when so amended that said bill do pass.

Representative Buck